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LAW DEPARTMENT

NOTIFICATION

The 27th July 2007

No. 8618—I-Legis.-1/2007-L.—The following Ordinance promulgated by the President and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the Gazette of India, Extraordinary, Part II, Section I, dated the 4th July 2007 is hereby republished for general information.

By order of the Governor

B. K. PATEL

Principal Secretary to Government

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th July 2007/Asadha 13, 1929 (Saka)

**THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS
(SPECIAL PROVISIONS) ORDINANCE, 2007**

(ORDINANCE No. 6 OF 2007)

Promulgated by the President in the Fifty-eighth Year of the Republic of India

An Ordinance to make special provisions for the National Capital Territory of Delhi for a further period of one year and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not inconsonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS, Master Plan of Delhi, 2001 has been extensively modified and notified by the Central Government on the 7th February 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development vis-a-vis the social, financial and other ground realities;

AND WHEREAS, Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS, a revised policy for relocation and rehabilitation of slum dwellers in the National Capital Territory of Delhi is also under consideration of the Central Government;

AND WHEREAS, a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the national policy for Urban Street Vendors/ Master Plan for Delhi, 2021;

AND WHEREAS, some time is required for making orderly arrangements in accordance with the revised policy for relocation and rehabilitation of slum dwellers of Delhi as well as for putting in place the scheme for regulation of urban street vendors in terms of the Master Plan of Delhi, 2021 and also the national policy in this regard;

AND WHEREAS, the Central Government is yet to take a considered view on the Policy regarding existing farm houses, involving construction beyond permissible building limits and regarding schools, dispensaries, religious institutions and cultural institutions in rural areas built on agricultural land, *inter alia*, in the light of recommendations of the Expert Committees constituted by the Central Government in the year 2006;

AND WHEREAS, the Delhi Laws (Special Provisions) Act, 2006 was enacted on the 19th May 2006 to make special provisions for the areas of Delhi for a period of one year which lapsed on the 18th May 2007;

22 of 2006.

AND WHEREAS, it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a further period of one year to provide temporary relief and to minimize avoidable hardship and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above which are expected to be finalised within the period so extended;

AND WHEREAS, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the plan, scheme and policies aforesaid;

NOW THEREFORE, in exercise of the powers conferred by Clause (1) of Articles 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title,
extent,
commence-
ment and
duration.

1. (1) This Ordinance may be called the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 19th day of May, 2007.

(4) It shall cease to have effect on the expiry of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser Section 6 of the General Clauses Act, 1897, shall apply as if this Ordinance had then been repealed by a Central Act.

10 of 1897.

Definitions.

2. (1) In this Ordinance, unless the context otherwise requires—

(a) "building bye-laws" means bye-laws made under Section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under Section 188, sub-section (3) of Section 189 and sub-section (1) of Section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of Section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957, Punjab Act 3 of 1911, 61 of 1957.

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in Clause (11) of Section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957 or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957, 44 of 1994, 61 of 1957.

(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021 notified vide notification number S. O. 141 (E) on the 7th February, 2007 under the Delhi Development Act, 1957; 61 of 1957.

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or Layout Plan, as the case may be, and includes any encroachment.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957, and the New Delhi Municipal Council Act, 1994. 61 of 1957, 66 of 1957, 44 of 1994.

Enforcement to be kept in abeyance.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this Ordinance, take all possible measures to finalise norms, policy guidelines and feasible strategies to deal with

the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhopri* clusters, hawkers and urban street vendors, existing farm houses involving construction beyond permissible building limits, and schools, dispensaries, religious institutions, cultural institutions in rural areas built on agricultural land, as mentioned below :

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters in accordance with provisions of Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humaned manner;

(b) strategy for regulation of urban street vendors inconsonance with the national policy for urban street vendors and hawkers as provided in Master Plan of Delhi, 2021 ;

(c) policy regarding existing farm houses involving construction beyond permissible building limits ; and

(d) policy regarding schools, dispensaries, religious institutions, cultural institutions, in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* as on the 1st day of January, 2006 shall be maintained in respect of encroachment or unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken during the said period of one year.

(4) Notwithstanding any other provision contained in this Ordinance, the Central Government may, at any time before expiry of one year, withdraw the exemption by notification, in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of
this Ordinance not to
apply in
certain cases

4. During the period of operation of this Ordinance, no relief shall be available under the provisions of Section 3 in respect of the following encroachment or unauthorised development, namely :—

(a) encroachment on public land except in those cases which are covered under clauses (a) and (b) of sub-section (1) of Section 3 ;

(b) removal of slums and *Jhuggi-Jhopri* dwellers and hawkers and urban street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of
Central
Government
to give
directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Ordinance and it shall be the duty of the local authorities, to comply with such directions.

Repeal and
savings.

6. (1) The Delhi Laws (Special Provisions) Act, 2006 is hereby repealed.

22 of 2006.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

A. P. J. ABDUL KALAM

President

K. N. CHATURVEDI

Secretary to the Government of India

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